

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, to pay taxes due, by the State of Texas, for the years 1928 to 1932, inclusive, on lands owned by the Texas Prison System, as herein enumerated:

Madison County, county and school taxes for years 1928 to 1932, inclusive .....	\$ 3,669.60
Harris County, county taxes for the years 1928 to 1932, inclusive .....	788.64
Bowie County, county and school taxes for the years 1928 to 1932, inclusive .....	2,167.27
Houston County, county and school taxes for the years 1928 to 1932, inclusive .....	9,072.43
Walker County, county and school taxes for the year 1932 .....	620.17
	<hr/>
	\$ 16,317.78

Sec. 2. The fact that under the existing law, there is no provision for the payment of these taxes and that the taxes are past due, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### FIFTY-FIFTH DAY (Continued).

Senate Chamber,  
Austin, Texas,  
April 6, 1933.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Senator Woodward.

#### Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senators Russek, Sanderford, Martin, Neal, Blackert, Redditt, Parr, Greer, Stone, Murphy, and Patton:

S. B. No. 503, A bill to be entitled "An Act providing for the erection and operation of a cement factory to belong to and be operated by the Prison System of the State of Texas, for the purpose of manufacturing cement and other road materials to be used in the construction and maintenance of State highways; provided for a location board and providing duties, provisions and requirements incident to the subject matters; making an appropriation and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 504, A bill to be entitled "An Act to prevent fraud and deception in the sale, and offering for sale, of rebuilt electric storage batteries; and prescribing penalties for the violation thereof."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Hopkins:

S. B. No. 505, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas, as statutory receiver or liquidator, when any state bank or bank and trust company organized under the laws of the State of Texas voluntarily places itself in his hands for liquidation, or when he closes a State bank or bank and trust company and takes charge of same for the purpose of liquidating it, to borrow money from the Reconstruction Finance Corporation as created by Act of Congress of the United States, and to pledge any part or all of the assets of such closed bank or bank and trust company as collateral security for said loan, and to execute all instruments required or necessary in connection with the creation of such indebtedness and the security for the same, and to authorize the Commissioner of Banking of Texas, as statutory receiver or liquidator, to renew and extend such loan or loans from time to time, and to execute all instruments in connection with the renewals or extensions of such loan or loans; and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senators Small and Moore:

S. B. No. 506, A bill to be entitled "An Act, the purpose of which is to protect Texas industries; to regulate a type of competition that unless it be regulated may ultimately destroy the independent grocer, and Texas industries depending for distribution upon grocery stores; providing that it shall be unlawful for retail distributors to engage in manufacturing, processing, or packaging of foods, and/or beverages, and/or groceries; defining a retail distributor for the purpose of this Act as one engaged in the retail business and having a sales volume through his various outlets of sixty thousand (\$60,000.00) dollars or more during any three consecutive months; defining retail distributor so as not to include retailers whose sales volume pertains to commodities of which a minimum of eighty (80%) per cent of the dollars and cents volume is manufactured and/or processed by said retail distributor; defining packaging; defining store; providing for the securing of sworn statements and certified copies of records by the Attorney General to facilitate investigations; providing for free access for the Attorney General and his representatives to the records and books of retail distributors; providing for responsibility on the part of the Attorney General for the enforcement of this Act; providing for action by the Attorney General to enjoin any practice violative of this Act; providing a penalty of not less than fifty (\$50.00) dollars nor more than one hundred and fifty (\$150.00) dollars for each violation of any provision or provisions of this Act; providing for separability of this Act in the event the same be held unconstitutional in part; and declaring an emergency."

Read and referred to Committee on State Affairs.

Objection was heard to the introduction of the following bill:

By Senators Sanderford and Collie:

S. B. No. 507, A bill to be entitled "An Act to fix the tuition to be collected from students registering in the schools of collegiate rank supported in whole or in part by appropriation of public funds from the State Treasury, and empowering the State Board of Education to grant

scholarships to such institutions, and prescribing the regulation therefor, all funds collected under the provision of this bill be placed in the State Treasury to the credit of the General Revenue, and declaring an emergency."

Senator Sanderford moved to suspend the constitutional rule relating to introduction of general bills after the first 52 days. The motion prevailed by the following vote:

Yeas—25.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.
Parr.	

Nays—3.

Duggan.	Pace.
Hornsby.	

Present—Not Voting.

DeBerry.

Absent.

Beck.

Absent—Excused.

Woodul.

Read and referred to Committee on Educational Affairs.

Senator Hornsby raised the point of order that this was a revenue-raising measure and must originate in the House.

The Chair, Senator Woodruff, held that the point of order was raised too late because the bill had already been referred.

Senate Bill No. 409.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Holbrook:

S. B. No. 409, A bill to be entitled "An Act repealing Articles 52-146, 52-147, 52-148, 52-149, 52-150, 52-151, 52-152, 52-153, 52-154,

52-155, and 52-156, of the Revised Civil Statutes of Texas, 1925, and Chapter 104 of the Local and Special Laws of Texas passed at the Regular Session of the Thirty-second Legislature, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 409 by striking out "and after its passage" in the last line and substituting therefor the following: "and after January 1, 1934."

HOLBROOK.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 409 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Woodul.

Read third time and finally passed.

#### Senate Bill No. 209.

The question recurred upon S. B. No. 209 (Maximum fee bill).

Senator Small sent up the following amendment:

Amend Committee Amendment No. 2 to S. B. No. 209 by striking out everything from line 50 on page 2 of the printed bill to and including line 28 on page 3 thereof, and insert in lieu thereof, the following:

1. In counties containing less than ten thousand (10,000) inhabitants:

County judge, two thousand five hundred (\$2,500.00) dollars;

Sheriff, two thousand five hundred (\$2,500.00) dollars;

County clerk, two thousand five hundred (\$2,500.00) dollars;

County attorney, two thousand five hundred (\$2,500.00) dollars;

District attorney or criminal district attorney, two thousand five hundred (\$2,500.00) dollars;

District clerk, two thousand five hundred (\$2,500.00) dollars;

Tax collector, two thousand five hundred (\$2,500.00) dollars;

Tax assessor, two thousand five hundred (\$2,500.00) dollars;

Justice of the peace, one thousand five hundred (\$1,500.00) dollars;

Constable, one thousand five hundred (\$1,500.00) dollars;

2. Counties containing as many as ten thousand (10,000) and less than twenty-five thousand (25,000) inhabitants:

County judge, two thousand seven hundred fifty (\$2,750.00) dollars;

Sheriff, two thousand seven hundred fifty (\$2,750.00) dollars;

County clerk, two thousand seven hundred fifty (\$2,750.00) dollars;

County attorney, two thousand seven hundred fifty (\$2,750.00) dollars;

District attorney, or criminal district attorney, two thousand seven hundred fifty (\$2,750.00) dollars;

District clerk, two thousand seven hundred fifty (\$2,750.00) dollars;

Tax assessor, two thousand seven hundred fifty (\$2,750.00) dollars;

Tax collector, two thousand seven hundred fifty (\$2,750.00) dollars;

Justice of the peace, eighteen hundred (\$1,800.00) dollars;

Constable, eighteen hundred (\$1,800.00) dollars.

3. In counties containing as many as twenty-five thousand (25,000) and less than thirty-seven thousand five hundred (37,500) inhabitants, or containing a city of over twenty-five thousand inhabitants:

County judge, three thousand (\$3,000.00) dollars;

Sheriff, three thousand (\$3,000.00) dollars;

County clerk, three thousand (\$3,000.00) dollars;

County attorney, three thousand (\$3,000.00) dollars;

District attorney or criminal dis-

trict attorney, three thousand (\$3,000.00) dollars;  
 District clerk, three thousand (\$3,000.00) dollars;  
 Tax collector, three thousand (\$3,000.00) dollars;  
 Tax assessor, three thousand (\$3,000.00) dollars;  
 Justice of the peace, two thousand (\$2,000.00) dollars;  
 Constable, two thousand (\$2,000.00) dollars;

4. In counties containing more than thirty-seven thousand five hundred (37,500) inhabitants:

County judge, three thousand five hundred (\$3,500.00) dollars;

Sheriff, three thousand five hundred (\$3,500.00) dollars;

County clerk, three thousand five hundred (\$3,500.00) dollars;

County attorney, three thousand five hundred (\$3,500.00) dollars;

District attorney or criminal district attorney, three thousand five hundred (\$3,500.00) dollars;

District Clerk, three thousand five hundred (\$3,500.00) dollars;

Tax collector, three thousand five hundred (\$3,500.00) dollars;

Tax assessor, three thousand five hundred (\$3,500.00) dollars;

Justice of the peace, two thousand five hundred (\$2,500.00) dollars;

Constable, two thousand five hundred (\$2,500.00) dollars.

SMALL.

The amendment was read.

At Ease.

By unanimous consent, the Senate, at 10:37 o'clock a. m., stood at ease for 10 minutes.

#### Senate Bill No. 209.

The pending amendment to S. B. No. 209 was adopted by the following vote:

Yeas—16.

Blackert.	Patton.
Cousins.	Rawlings.
Duggan.	Regan.
Hopkins.	Russek.
Martin.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Parr.	Woodward.

Nays—11.

Beck.	Fellbaum.
Collie.	Holbrook.
DeBerry.	Hornsby.

Moore.	Purl.
Murphy.	Redditt.
Poage.	

Absent.

Greer.	Pace.
Woodruff.	

Absent—Excused.

Woodul.

Senator DeBerry asked unanimous consent to reconsider the vote by which the amendment was adopted.

Objection was heard.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 209 as amended by striking out the figures "\$3,500" wherever they occur in subsection 9 and insert in lieu thereof the figures "\$3,250.00" in each case.

DeBERRY.

The amendment was read.

Senator Rawlings moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Cousins.	Rawlings.
Hopkins.	Regan.
Martin.	Russek.
Parr.	Small.
Patton.	Stone.

Nays—18.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Sanderford.
Holbrook.	Woodruff.
Hornsby.	Woodward.

Present—Not Voting.

Neal.

Absent.

Pace.

Absent—Excused.

Woodul.

The amendment was adopted.

Senator Neal sent up the following amendment:

Amend Senate Committee Substitute Bill No. 209 by adding in Section 2, page 4, between lines 4 and 5 the following:

"Any county in this State having a population, according to the last preceding Federal census of less than 35,000 and whose population has greatly increased due to oil developments, and has a tax valuation exceeding fifty million (\$50,000,000.00) dollars, according to the last approved tax roll, said officers shall receive the maximum set forth in Section 3 of Article 3883 as amended, and shall also receive excess fees as provided in counties containing a population of between thirty-seven thousand five hundred (37,500) and less than seventy-five thousand and one (75,001), as provided in Article 3891."

Amend caption to conform to above amendment.

NEAL.

The amendment was read.

#### Recess.

On motion of Senator Stone, the Senate, at 12:06 o'clock p. m., recessed until 2 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Senator Woodward.

#### Senate Bill No. 209.

The question recurred upon the pending amendment (by Senator Neal) to S. B. No. 209.

Senator Purl moved to table the amendment. The motion was lost by the following vote:

#### Yeas—12.

Beck.	Moore.
Collie.	Murphy.
DeBerry.	Poage.
Fellbaum.	Purl.
Holbrook.	Redditt.
Hornsby.	Woodward.

#### Nays—13.

Blackert.	Parr.
Duggan.	Patton.
Greer.	Regan.
Martin.	Russek.
Neal.	Small.
Oneal.	Stone.
Pace.	

#### Absent.

Cousins.	Sanderford.
Hopkins.	Woodruff.
Rawlings.	

#### Absent—Excused.

Woodul.

The amendment was adopted by the following vote:

#### Yeas—14.

Blackert.	Parr.
Cousins.	Patton.
Greer.	Purl.
Martin.	Regan.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodward.

#### Nays—12.

Beck.	Hornsby.
Collie.	Moore.
DeBerry.	Murphy.
Duggan.	Poage.
Fellbaum.	Redditt.
Holbrook.	Woodruff.

#### Absent.

Hopkins.	Russek.
Rawlings.	Sanderford.

#### Absent—Excused.

Woodul.

Senator Purl moved to reconsider the vote by which the amendment was adopted.

Senator Poage moved to adjourn until tomorrow morning at 10 o'clock. The motion was lost.

The motion to reconsider was lost by the following vote:

#### Yeas—14.

Beck.	Hornsby.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Holbrook.	Woodruff.

#### Nays—15.

Blackert.	Rawlings.
Greer.	Regan.
Martin.	Russek.
Neal.	Sanderford.
Oneal.	Small.
Pace.	Stone.
Parr.	Woodward.
Patton.	

#### Absent.

Hopkins.

#### Absent—Excused.

Woodul.

Senator Moore moved the previous question on the amendments on the Secretary's desk and the further consideration of the bill. The motion was seconded.

Senator DeBerry raised the point of order that the motion for the previous question was not debatable.

The Chair, Senator Woodward, sustained the point of order.

The motion for the previous question was lost.

Senator Cousins sent up the following amendment:

Amend S. B. No. 209, page 3, line 59, by striking out the words and figures "one hundred fifty thousand and one (150,001)" and inserting in lieu thereof the words and figures: "One hundred twenty-five thousand and one (125,001)," and in line 62, page 3, by striking out the words and figures "one hundred fifty thousand (150,000)," and inserting in lieu thereof the words and figures "one hundred twenty-five thousand (125,000)."

COUSINS,  
REGAN.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed by the following vote:

**Yeas—19.**

Beck.	Murphy.
Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Sanderford.
Holbrook.	Small.
Martin.	Woodruff.
Moore.	

**Nays—10.**

Cousins.	Parr.
Hopkins.	Patton.
Hornsby.	Regan.
Neal.	Russek.
Pace.	Stone.

**Absent.**

Woodward.

**Absent—Excused.**

Woodul.

Senator Parr moved the previous question on the amendments on the

Secretary's desk and on the further consideration of the bill.

Senator DeBerry raised the point of order that the previous question could not be applied to amendments whose authors had not been recognized by the Chair.

Senator Moore asked unanimous consent for corrective amendments to be voted on if the previous question was ordered.

Senator DeBerry renewed his point of order.

Senator Greer moved to recess until 8 o'clock tonight.

Senator DeBerry raised the point of order that any motion was out of order while a point of order was pending.

The Chair, Senator Woodruff, sustained the point of order.

The Chair, Senator Woodruff, sustained the original point of order.

Senator Parr moved the previous question on the further consideration of the bill.

The motion prevailed.

Senator Rawlings asked unanimous consent to send up a corrective amendment.

Objection was heard.

The bill was passed to engrossment by the following vote:

**Yeas—30.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

**Absent—Excused.**

Woodul.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 209 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

## Absent—Excused.

Woodul.

## Read third time.

Senator Martin sent up the following amendment:

Amend committee amendment to S. B. No. 209, page 5, lines 10, 11, and 12, by striking out the words and figures "twenty-four hundred (\$2400.00) dollars," and the words and figures "twenty-one hundred (\$2100.00) dollars" and inserting in lieu thereof respectively the words and figures "twenty-one hundred (\$2100.00) dollars" and "eighteen hundred (\$1800.00) dollars."

MARTIN.

Read and adopted by unanimous consent.

Senator Fellbaum sent up the following amendments:

Amend Senate committee amendment No. 2, as amended, to S. B. No. 209, Article 3886, beginning in line 2, immediately following the words "Federal census" by striking out the following:

"and having a county attorney, the county attorney shall receive (and in counties having a population in excess of 150,000 according to the last preceding Federal census which do not have a county attorney)."

FELLBAUM.

Read and adopted by unanimous consent.

Amend committee amendment No. 2, S. B. No. 209, as amended, as follows:

In lines 19 and 20 of Article 3886, immediately following the words "Each such" by striking out the

words "county attorney" and inserting in lieu thereof the words "district attorney."

FELLBAUM.

Read and adopted by unanimous consent.

Amend committee amendment No. 2, S. B. No. 209, as amended, as follows:

In line 22 of Article 3886 immediately following the words "Federal census" by striking therefrom the words "having no county attorney."

FELLBAUM.

Read and adopted by unanimous consent.

Amend committee amendment No. 2, Senate Bill No. 209, as amended, as follows:

In line 12 on page 2 immediately after the word "attorney" by inserting the word "or," and by striking out the words "or county attorney" immediately following the words "criminal district attorney" in line 12.

FELLBAUM.

Read and adopted by unanimous consent.

Amend committee amendment No. 2, Senate Bill No. 209, as amended, as follows:

In line 24, immediately following the words "district attorney" by adding the word "or;" and in line 25, immediately following the words "criminal district attorney" by striking out the words "or county attorney."

FELLBAUM.

Read and adopted by unanimous consent.

Amend committee amendment No. 2, Senate Bill No. 209, as amended, as follows:

In line 33, page 2, immediately following the word "or" by striking out the words "county attorney" and inserting in lieu thereof the words "district attorney."

FELLBAUM.

Read and adopted by unanimous consent.

Amend committee amendment No. 2, Senate Bill No. 209, as amended, as follows:

On lines 3 and 4, page 4, after the word "than" strike out the words and figures "six thousand dollars" and insert in lieu thereof the following:

Five thousand dollars, except the district or criminal district attorney who shall be entitled to retain the sum of six thousand dollars.

FELLBAUM.

Read and adopted by unanimous consent.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2, Senate Bill No. 209 as follows:  
Strike out lines 45, 46, 47, 48, 49 and 50, page five.

RAWLINGS.

Read and lost by the following vote:

**Yeas—9.**

Cousins.	Patton.
Fellbaum.	Rawlings.
Hopkins.	Russek.
Pace.	Small.
Parr.	

**Nays—18.**

Beck.	Murphy.
Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.

**Absent.**

Martin.	Woodward.
Neal.	

**Absent—Excused.**

Woodul.

The bill was finally passed by the following vote:

**Yeas—29.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

**(Pair Recorded.)**

Senator Holbrook (present) who would vote yea, with Senator Woodul (absent) who would vote nay.

**Reason For Vote.**

On S. B. No. 209, I voted yea for the following reasons: This bill does not reduce the maximum of fees to be retained by county officials as low as I think they should be, but I am convinced that it is the best bill that we can get through the Senate at this time. If a conference committee is appointed I intend to aid that committee in lowering the maximum salaries in this bill.

DeBERRY.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 12, A bill to be entitled "An Act to provide that no water improvement district, water control and improvement district, water control and preservation district, levee improvement district, nor drainage district, shall be required to give bond on any appeal or writ or error taken by it, or either of them, in any civil case, repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 95, A bill to be entitled "An Act making appropriations to pay deficiency claims approved by the Governor during the fiscal years ending August 31, 1931, and August 31, 1932, respectively, and declaring an emergency."

S. B. No. 248, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the balance of the fiscal year, ending August 31, 1933, and declaring an emergency."

**(With amendments.)**

S. C. R. No. 21, Granting permission to G. B. White and B. White to sue the State for damages.

H. C. R. No. 45, Granting permission to the First National Bank of



Alvarado, Texas, to sue the State for claims against the State.

H. C. R. No. 46, Granting permission to H. L. Stancil to sue the State for personal injuries received.

H. C. R. No. 48, Granting permission to E. R. Leach to sue the State for damages.

H. C. R. No. 51, Granting permission to the Tibbetts Construction Company to sue the State for damages.

H. C. R. No. 58, Endorsing and urging the selection of Colonel J. Lewis Thompson as Assistant Secretary of War.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has amended by striking out the enacting clause (by a viva voce vote)

S. B. No. 51. A bill to be entitled "An Act permitting citation to be served and return to be made by registered mail; and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 248. The following are conferees on the part of the House:

Daniel, Burns, Butler, McClain, Russell.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Free Conference Requested.

On motion of Senator Parr, the Senate refused to concur in the House amendment to S. B. No. 248 and requested the appointment of a free conference committee.

The Chair appointed the following on the part of the Senate:

Senators Small, Parr, Patton, Russek, Pace.

#### House Concurrent Resolutions Referred.

H. C. R. No. 51 referred to Committee on State Affairs.

H. C. R. No. 48 referred to Committee on State Affairs.

H. C. R. No. 45 referred to Committee on State Affairs.

H. C. R. No. 46 referred to Committee on State Affairs.

#### H. C. R. No. 58.

The Chair laid before the Senate: H. C. R. No. 58, Recommending Col. J. Lewis Thompson for Assistant Secretary of War of the United States.

Read and adopted.

#### Adjournment.

Senator Russek moved to adjourn until 5:48 o'clock p. m.

The motion prevailed and at 5:47 o'clock p. m., the Senate adjourned.

#### APPENDIX.

##### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 407 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 180 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 409 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 332 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 60 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 240 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 388 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 384 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 481 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 294 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 244 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 1 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 3 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 266 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 480 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 426 carefully examined and compared, and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 124 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 288 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 272 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 348 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 477 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 234 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 242, A bill to be entitled "An Act to repeal Chapter 5, Acts of the Thirty-sixth Legislature, Third Called Session and Chapter 34, Section 1 and Subsection 15, Acts of the Thirty-seventh Legislature, Regular Session, and providing for the effective date of this Act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, April 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 381, A bill to be entitled "An Act to create the office of State Electrical Inspector to be attached to the Bureau of Labor Statistics of the State of Texas; providing the method of appointment; prescribing his qualifications and duties; fixing his term of office; providing for appointment of assistants; prescribing their qualifications and duties; fixing salaries; providing for payment of salaries, expenses and maintenance of office through revenues collected from license fees and fines; providing penalties for violation of State Inspector's orders; providing for licensing of Master Electricians, Journeymen Electricians, and Local Electrical Inspectors; providing for an examining body and prescribing duties; providing for examinations, forms of license to be issued, and privileges of each; prescribing payment of license fees, expiration and renewal of license; providing for exemptions; providing penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached amendments and be printed.

PURL, Chairman.

#### Committee Amendment No. 1.

Amend S. B. No. 381 by striking out Section 5, and amending Section 15 to read as follows:

"License fees provided herein shall be payable to a board of examiners. All fines collected under this article shall be paid into the State Treasury. All fines and fees collected under this article shall be held in a contingent expense fund in the State Treasury and are hereby appropriated for the purpose of paying salaries, traveling expenses and incidental expenses of the State Electrical Inspector and his assistants, and the maintenance of the office. Any balance of such fund at the end of each fiscal year shall remain in the said contingency fund and shall be appropriated for the above purposes."

Committee Amendment No. 2.

Amend S. B. No. 381 by adding at the end of each paragraph in Section 1, the following words, "for light, heat or power purposes."

Committee Amendment No. 3.

Amend S. B. No. 381 by inserting after the words, "equipment situated in the State of Texas" in Section 5, the words, "for light, heat or power purposes," and also insert in the same section after the words "incorporated cities, towns and villages," the words, "for light, heat or power."

Committee Amendment No. 4.

Amend S. B. No. 381 by inserting after the word, "heat" in Section 7, the word "or" and also by striking out in said section the words "or other electrical purposes."

Committee Amendment No. 5.

Amend S. B. No. 381 by adding after the first sentence in paragraph one of Section 9 the following words: "for light, heat or power."

Committee Amendment No. 6.

Amend S. B. No. 381 by adding a new section to be known as Section 7A to read as follows:

"None of the provisions contained in this Act shall apply to elevator constructors or the elevator industry of this State."

Committee Amendment No. 7.

Amend S. B. No. 381, Section 6, line nine (9) by inserting the words "from date of issuing said," after

the word "day" and preceding the words "written notice."

Committee Amendment No. 8.

Amend Senate Bill No. 381, Section 9, paragraph one (1) line eight (8) by inserting the words "master electrician" after the words "passing said," and preceding the word "examination."

Committee Amendment No. 9.

Amend Senate Bill No. 381, Section 9, paragraph three (3), line two (2) by striking out word "an" and inserting the words "said local inspectors" after the word "passed" and preceding the word "examination."

Committee Amendment No. 10.

Amend Senate Bill No. 381, Section 9, paragraph eight (8), line three (3) by inserting the words "or certificate C," after the words "certificate B" and preceding the word "shall."

Committee Amendment No. 11.

Provided that the State Electrical Inspector shall, before appointment, stand an examination to be given by the Head of the Engineering Department of A. & M. and the State University.

Committee Amendment No. 12.

None of the provisions of this Act shall apply to the Elevator Construction Industry.

Committee Amendment No. 13.

Upon the petition of 15 wishing to take the examination from one community, the examination shall be held at that place instead of in Austin.

Committee Room,

Austin, Texas, April 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 447, A bill to be entitled "An Act providing that all contractors on public work to be performed for the State of Texas or any county, political subdivision, incorporated city or town, shall when he files his bid or proposal, furnish a schedule of the wages he proposes to pay to

the workmen and various crafts to be employed on said work, and if said wages are not adequate as determined by the officers letting the contract, same shall be rejected, until and when a schedule of wages are agreed upon, which shall be a part and parcel of the contract; that the governmental agency letting the contract shall have summary and plenary power coupled with all implied power to carry out the purposes of this Act; that every contractor shall, every two weeks, report all wages paid and wages delinquent, and the governmental agency letting the contract may demand and receive from the contractor such information as it deems material or may secure it from any other source; if it appears that said contractor is not paying the wages as agreed upon or if the contract is being otherwise violated, said contract may be declared cancelled; the governmental agency may pay the workmen out of any money due or to become due the contractor and charge same to his account; any state agency may call upon the Commissioner of Labor to make certain reports; this Act is cumulative of Articles 5160 and 5472a and 5472b, of the Revised Civil Statutes and shall not be construed to conflict therewith; all laws conflicting therewith are repealed; that every contractor shall keep posted around every job the schedule of wages agreed upon, and that the Attorney General shall sue for the State for all infractions of said contract and bond given to secure same; the obligation of the Labor Commissioner to furnish reports shall be mandatory; that any person aggrieved may appeal to the courts of Travis County for relief and should a contractor appeal and the final judgment be against him, a penalty of 12 per cent additional shall be affixed for delay; that this Act shall constitute a part of all bonds given by any contractor under Article 5160 of the Revised Civil Statutes and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached amendments and be printed.

PURL.

#### Committee Amendment No. 1.

Amend Sec. 1, page 2, line 19, following the word "town," insert to-wit:

"When contracting for public work and any contract executed by any of the State agencies aforesaid, or any county or incorporated city or town."

#### Committee Amendment No. 2.

Amend S. B. No. 447, by adding a new section to be known as Section 4a, to wit:

"It shall be mandatory upon the general contractor to submit the names of all his sub-contractors when he submits his original bid. And all such sub-contractors shall be approved by the awarding officer."

#### Committee Amendment No. 3.

Amend S. B. No. 447 by adding a new paragraph to Section 3 thereof as follows:

"If any section, sentence, clause or part of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, clause or part thereof, irrespective of the fact that one or more sections, sentences, clauses or parts thereof be declared unconstitutional."

Committee Room,

Austin, Texas, April 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 484, A bill to be entitled "An Act to create Road District No. 4 of Shelby County, Texas, validating and approving all orders made by the commissioners court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated August 11, 1919, and numbered 171 to 210, inclusive, and also bonds of said district dated October 10, 1923, and numbered respectively, from 1 to 50, inclusive, and providing for their payment by annual levy, assessment and collection of general ad valorem taxes, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do not pass, but that C. S. S. B. No. 484, attached hereto, do pass in lieu thereof, and be printed.

RAWLINGS, Chairman.

#### A BILL

#### To Be Entitled

An Act to amend Chapter 174, passed at the Regular Session of the Thirty-ninth Legislature of Texas, approved on the 16th day of March, A. D. 1925, creating a special road law for Shelby County, and adding thereto Sections 3 to 14, providing that the commissioners court of Shelby County may refund any and all valid outstanding bonded indebtedness or judgments recovered on bonded or other indebtedness of said county, together with interest accrued thereon, by the issuance of funding or refunding bonds without a vote of the taxpayers of said county; authorizing the commissioners court of said county to levy and assess road and bridge taxes and road maintenance taxes as provided by Article 8, Section 9 of the Constitution of Texas; authorizing the commissioners court of said county to fund and refund the legal indebtedness outstanding against its road and bridge fund at the time of the issuance of such funding or refunding bonds, setting forth the method of said operation; authorizing the said commissioners court to refund the bonded indebtedness or judgment indebtedness recovered on bonds, both principal and interest, of road district No. 4 of said county, together with the accrued interest thereon, and providing for the rate of interest, maturities and form of such bonds; that the same shall be approved by the Attorney General and registered by the Comptroller, and that said bonds may be exchanged for such outstanding bonded judgment or other indebtedness, or may be sold and the proceeds used to pay such bonded judgment or outstanding indebtedness; providing for the levy of taxes for the payment of principal and interest of such funding or refunding bonds; providing that such refunding bond shall be permitted to participate in and be paid from the "County and Road

District Highway Fund" provided for in Section 6, Chapter 13, passed at the Third Called Session of the Forty-second Legislature and making them eligible to participate in and be paid from said fund; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 174 of the Regular Session of the Thirty-ninth Legislature of the State of Texas, approved March 16, 1925, be amended by adding thereto Sections 3 to 14, as follows:

Sec. 3. The commissioners court of Shelby County, Texas, is authorized and empowered to fund into the bonds of Shelby County, Texas, such legal indebtedness of the county, chargeable against the road and bridge fund, in the form of scrip, or warrants, or bonds, either or all. Such funding bonds may be issued by the court, payable serially or otherwise, within a period of time, not exceeding forty years, as the court may direct, or may be issued payable within forty years from the date thereof, and shall bear interest at a rate of not more than six (6) per cent per annum, payable annually or semi-annually, the rate and interest payment dates to be determined by the court in such denominations as may be provided by the court; at such time as said bonds shall be issued, it shall be the duty of the commissioners court to levy an annual ad valorem tax on all taxable property within the county sufficient to provide for the payment of the principal thereof, as the same matures; and in such cases, it shall not be necessary to submit the question of the issuance of said funding or refunding bonds to a vote of the people. The commissioners court is authorized to issue said bonds in exchange for like amounts of the outstanding scrip, warrants or bonds of said county. Said bonds when executed shall be approved by the Attorney General and shall be registered by the Comptroller; provided that the commissioners court shall determine at the time of passing the refunding order the amount of tax rate required, based on the then assessed valuation of the taxable property of Shelby County, to create the necessary sinking fund for, and to pay the interest on, all obligations

to be included in said refunding order, and shall also calculate the tax rate that will be required to pay the interest on and create a sinking fund to retire the funding or refunding bonds authorized in lieu thereof.

Sec. 4. From and after the taking effect of this Act, it shall be unlawful for the commissioners court of Shelby County to issue or cause to be issued any warrant, scrip, or other evidence of indebtedness, or to create any debt against the road and bridge fund of said county, except as authorized by this Act, in excess of the current revenues of said county for road and bridge purposes; provided that in case of great calamity, said court may issue warrants against the road and bridge fund in excess of the current revenues, for the purpose of repairing roads and building bridges occasioned by such calamity, but in no instance shall such warrants exceed the limits provided by the Constitution of the State of Texas; and provided, further, that no warrant shall be issued for such purposes until first authorized by order passed by said court; and provided, further, that said order may recite fully the necessity therefor, and particularly specify the several purposes for which said warrants are to be issued, which said order shall be spread upon the minutes of said court.

Sec. 5. The commissioners court of Shelby County is hereby authorized to levy and cause to be assessed and collected any and all ad valorem taxes now authorized to be levied on the taxable property of Shelby County, which may be levied under Article 8, Section 9, of the Constitution of Texas, which taxes may be used for the payment of principal and interest of indebtedness incurred for such purposes, or in the maintenance of the roads of said county as the commissioners court may direct.

Sec. 6. The commissioners court of Shelby County may fund, refund, compromise or settle in whole or in part the valid outstanding bonded indebtedness or judgments recovered on such bonded indebtedness, both principal and interest, of Road District No. Four (4) of said county incurred under the provisions of Section 52 of Article 3 of the Constitution and laws of this State, for

the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads or turnpikes, or in aid thereof, by the issuance of funding or refunding bonds without a vote of the taxpayers for an amount sufficient to consummate such compromise or settlement not to exceed the amount unpaid on such outstanding indebtedness. Such funding or refunding bonds may be exchanged in whole or in part for bonds or such judgment outstanding indebtedness of said defined road District Number Four (4) of said county, or may be sold and the proceeds applied in the purchase or payment of the outstanding bonded or judgment indebtedness, and may be exchanged or sold from time to time in such amounts as may be required for refunding and/or paying such outstanding bonds and judgment indebtedness.

Sec. 7. Before issuing such refunding bonds the commissioners court of said county shall, by an order entered on the minutes, recite the amount of bonds that will be necessary to fund, refund or settle the outstanding bonded or other indebtedness of said defined Road District Number Four (4) of said county.

Sec. 8. Such refunding bonds shall be in such denominations and amounts and shall mature not later than thirty years from their date, with such options of redemption as may be fixed by the commissioners court or they may be issued to mature serially in approximately equal portions every year for not exceeding thirty years from their date. They shall be dated and signed by the county judge, countersigned by the county clerk, registered by the county treasury, and the seal of the commissioners court shall be impressed upon each of said bonds. Facsimile signatures of the county judge and county clerk may be printed or lithographed upon the interest coupons. Such bonds shall be made payable at such place as may be fixed by the commissioners court, and shall bear interest from their date at a rate not exceeding the rate of interest which the said bonds and/or judgments being refunded bear, payable semi-annually, to be evidenced by coupons attached to each of said bonds.

Sec. 9. Before such refunding bonds are exchanged, sold or put on the market for sale or exchange, the commissioners court shall, and annually thereafter so long as said bonds or any of them are outstanding, levy a tax sufficient to pay the interest on such bonds as they mature and to provide a sinking fund sufficient to pay the principal of the bonds at maturity.

Sec. 10. When examined and certified by the Attorney General, said bonds shall be registered by the Comptroller, without requiring the old bonds or judgment evidencing indebtedness to be presented to him for cancellation. Said bonds shall be delivered to the county treasurer who shall register them in a book kept for such purpose, and after being so certified and registered such bonds shall continue in the custody of the commissioners court of the county and shall by said court be exchanged in whole or in part for such outstanding bonds or judgment indebtedness at not less than their face value and accrued interest, or may be sold, either in whole or in part, at not less than their par value and accrued interest, and the purchase money therefor shall be forthwith used in the purchase and/or in the payment of such outstanding bonds or judgment indebtedness.

Sec. 11. The commissioners court shall require such outstanding bonds or judgment indebtedness to be surrendered or cancelled at the time or times such new refunding bonds are exchanged therefor, or at the time or times the same are paid with the proceeds of the sale of such new bonds.

Sec. 12. All road bonds of defined Road District Number Four (4) of Shelby County, Texas, heretofore issued by said district, having been authorized and issued for the purpose of constructing and maintaining highways now incorporated in the system of State highways and known as parts of State Highways Numbers twenty-two (22) and thirty-five (35) shall be refunded as provided in this Act. All such refunding bonds shall be deemed and are hereby declared to be eligible to participate in and be paid out of the funds provided in Chapter thirteen (13) passed at the Third Called Session of the Forty-second Legislature and designated therein as

"County and Road District Highway Fund" and the Board of County and District Road Indebtedness provided for in said Act shall admit all of said refunding bonds into full participation in said fund with other bonds heretofore or which may hereafter participate therein without requiring the formality of proof that all of the funds represented by such refunding bonds had been actually spent in the construction of such highways aforesaid. The county judge or the county treasurer of Shelby County, Texas, shall file an affidavit with said Board of County and District Road Indebtedness, stating the number and the amount thereof of all such refunding bonds issued for and on behalf of said defined District Number Four (4) of Shelby County, and that such bonds had been issued for the purpose of refunding the road bond indebtedness of said district; said affidavit when so filed, shall require said Board to admit each and all of said refunding bonds to equal pro rata participation in the said County and Road District Highway Funds aforesaid.

Sec. 13. This Act is not intended to repeal any general law of this State, but is cumulative thereof, and the same shall be applicable where not in direct conflict with the provisions of this Act, but where the general law shall be in conflict with this Act, the provisions of this Act shall be controlling.

Sec. 14. The fact that the present special road law of Shelby County is deficient and inadequate, and that the defined road district Number four (4) of said county has heretofore issued bonds and incurred indebtedness for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads and turnpikes, or in aid thereof under the Constitution and laws of this State, which it has been unable to pay at maturity on account of its inability to collect sufficient taxes therefor, and on account of the great depreciation of values of taxable property in said defined road district, resulting in defaults in payment of bonds and the interest at maturity, greatly impairing its credit, and in instances suits have been brought and judgments recovered on such bonds and interest, creates an emergency and an imperative public necessity that the consti-



tutional rule requiring bills to be read on three several days be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### FIFTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,  
April 6, 1933.

The Senate met at 5:48 o'clock p. m., pursuant to adjournment, and was called to order by Senator Woodruff.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Woodul.

Prayer by Senator DeBerry.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Russek.

#### Recess.

Senator Russek moved to recess until 9:30 o'clock tomorrow morning.

Senator Moore moved to recess until 8 o'clock tonight.

The motion to recess until tomorrow morning prevailed by the following vote:

Yeas—18.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Oneal.	Woodruff.
Parr.	Woodward.

Nays—11.

Duggan.	Neal.
Fellbaum.	Pace.
Greer.	Redditt.
Hornsby.	Regan.
Moore.	Stone.
Murphy.	

Absent.

Beck.

Absent—Excused.

Woodul.

At 5:52 o'clock p. m., the Senate recessed.

#### FIFTY-SIXTH DAY (Continued).

Senate Chamber,  
Austin, Texas,  
April 7, 1933.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senator Excused.

Senator Holbrook was excused for the day on account of important business, on motion of Senator Blackert.

#### H. J. R. No. 2.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Moffett, et al.:

H. J. R. No. 2, Proposing an amendment to Section 26, of Article III, of the Constitution of Texas, by adding thereto Section 26(a), providing that no apportionment shall any county be entitled to more than six Representatives unless the population of such county shall exceed six hundred thousand people, etc."

Read second time and failed to pass to third reading by the following vote:

Yeas—14.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Regan.
Duggan.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.